

Village of Biscayne Park

640 NE 114th Street
Biscayne Park, FL 33161
(305) 899-8000

Mayor and Commission

John R. Hornbuckle
Mayor

Chester "Doc" Morris
Vice-Mayor

Robert "Bob" Anderson
Commissioner

Steve Bernard
Commissioner

Kelly Mallette
Commissioner

Frank R. Spence
Village Manager

John J. Hearn
Village Attorney

Ann Harper
Village Clerk

AGENDA

REGULAR COMMISSION MEETING

Ed Burke Recreation Center – 11400 NE 9th Court
Tuesday, October 7, 2008 - 7:00 pm

1. CALL TO ORDER and ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. ORDER OF BUSINESS - ADDITIONS, DEFERRALS, OR DELETIONS TO AGENDA
4. PRESENTATIONS - None
5. PUBLIC COMMENTS RELATED TO AGENDA ITEMS
6. CONSENT AGENDA (Motion to be made for all as one or remove for discussion) - TAB #6
 - A. Approval of Minutes – None
 - B. Agreements
 - (1) Joint Project Agreement Between the Florida Department of Transportation and the Village of Biscayne Park Turf and Landscape Maintenance (New Contract AP797 and New Financial # 25237217801) (Same terms and compensation)

Resolution 2008-10

A Resolution Approving a Contract Renewal With the Department of Transportation for Turf and Landscape; Providing for an Effective Date

- (2) Voluntary Cooperation and Operational Assistance Mutual Aid Agreement Between the Village of Biscayne Park, Florida, and the City of Miami Beach, Florida

Manager's Recommendation: Approval of Consent Agenda

Village of Biscayne Park - Agenda

7. PUBLIC HEARINGS - TAB #7

A. SECOND READING OF ORDINANCES

ORDINANCE NO. 2008-1R

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, GRANTING FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENTS TO THE VILLAGE OF BISCAYNE PARK, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE (Continued from Commission Meeting March 4, 2008)

Manager's and Attorney's Recommendation: Continue to November regular meeting

8. ORDINANCES – FIRST READING – TAB #8

A. ORDINANCE NO. 2008-7

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, CREATING A NEW CHAPTER OF THE VILLAGE'S CODE OF ORDINANCES ENTITLED "RECREATION ADVISORY BOARD;" PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR RENUMBERING; PROVIDING FOR AN EFFECTIVE DATE

Manager's Recommendation: Approval

B. ORDINANCE NO. 2008-8

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE III, ENTITLED COMMISSIONS, BOARDS AND COMMITTEES BY CREATING NEW SECTION 2-30 OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK, ENTITLED "GENERAL RULES AND POLICIES;" PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

Manager's Recommendation: Approval

Village of Biscayne Park - Agenda

8. ORDINANCES – FIRST READING – TAB #8 (Continued)

C. ORDINANCE NO. 2008-3

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE II OF THE VILLAGE OF BISCAYNE PARK CODE OF ORDINANCES, ENTITLED "VILLAGE COMMISSION," PROVIDING FOR DUTIES AND RESPONSIBILITIES OF THE MAYOR AND RULES OF PROCEDURE, DISCUSSION, AND DECORUM AT PUBLIC MEETINGS; PROVIDING THAT IT SHALL BE UNLAWFUL TO VIOLATE THE RULES OF DECORUM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

(Sponsored by Commissioner Anderson)

9. RESOLUTIONS – TAB #9

RESOLUTION 2008-11

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, APPROVING APPOINTMENTS TO THE RECREATION ADVISORY BOARD; PROVIDING FOR AN EFFECTIVE DATE

Manager's Recommendation: Approval

10. OLD BUSINESS – TAB #10

- A. Consideration of Replacement of Alternate vacancy on the Planning and Zoning Board caused by moving Elizabeth Piotrowski to the permanent position (Continued from September 9, 2008, meeting)**

11. NEW BUSINESS – TAB #11

- A. Confirmation of Commissioner Bernard's appointment of Stephen Taylor to the Recreation Advisory Board**
- B. Confirmation of Commissioner Bernard's appointment of Bryan Cooper to the Parks & Parkways Board to replace Stephen Taylor**
- C. Consideration of scheduling the regular Commission Meeting in November 2008**
- D. Consideration of requesting the Village Attorney to prepare an Ordinance dealing with maintenance of foreclosure properties b the Village after one citation has been issued by Code Enforcement**

Village of Biscayne Park - Agenda

11. NEW BUSINESS – TAB #11 (Continued)

E. Discussion of formulation of guidelines for Village Manager Job Performance Review (Commissioner Anderson)

TBS F. Presentation of Village Personnel Rules & Regulations (Village Manager) (under separate cover)

12. GOOD AND WELFARE (PUBLIC)

13. REPORTS

A. Committee Reports

1. Anniversary Committee – Mayor Hornbuckle

2. Parks & Parkways Advisory Board – Dan Keys

a. Kimley-Horn Traffic Study and Park Master Plan to be presented on October 15, 2008

B. Village Attorney Comments

C. Village Manager Comments

1. Report from Police Chief Glansberg

2. Updates on various projects

a. Entry sign easement

b. Pavillion

c. Public Works Building

d. Job descriptions and personnel policies

D. Commission Comments

1. Commissioner Anderson

2. Commissioner Bernard

3. Commissioner Mallette

4. Vice-Mayor Morris

5. Mayor Hornbuckle

Village of Biscayne Park - Agenda

14. ANNOUNCEMENTS -All public meetings are held at the Ed Burke Recreation Center 11400 NE 9th Court

*Thursdays	October 9, 16, 23, 30	– Recreation Advisory Board 7 pm
*Monday	October 13	All Departments Closed in observance of Columbus Day
*Tuesday	October 14	Code Review Committee at 6:30 pm
*Tuesday	October 15	Parks & Parkways Board at 6:30
*Saturday	October 18	75 th Anniversary Dinner/Dance at Miami Shores Country Club
*Monday	October 20	Planning & Zoning Board at 6:30 pm
*Tuesday	October 21	Code Enforcement Board at 7 pm
*Tuesday	October 28	Code Review Committee at 6:30 pm
*Monday	November 3	Planning & Zoning Board at 6:30
*Tuesday	November 4	General Election Day

15. ADJOURMENT - NOTE: TBS = To Be Submitted

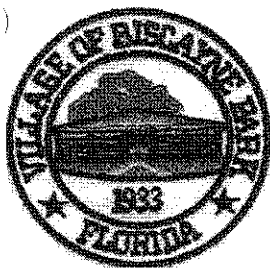
Visit our website at www.biscayneparkfl.gov

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in the proceedings should call Village Hall at (305) 899-8000 no later than (4) days prior to the proceeding for assistance.

DECORUM

Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.



Village of Biscayne Park

MINUTES

REGULAR MEETING

Ed Burke Recreation Center – 11400 NE 9th Court

Tuesday, October 7, 2008 - 7:00 pm

Mayor Hornbuckle called the meeting to order at 7:10 p.m. In addition to Mayor Hornbuckle, present were Vice-Mayor "Doc" Morris and Commissioners Bob Anderson, Steve Bernard, and Kelly Mallette. Present from Staff were Frank Spence, Village Manager; John Hearn, Village Attorney; Mitchell Glansberg, Police Chief; Bernard Pratt, Public Works Director; and Ann Harper, Village Clerk.

Commissioner Bernard led the Pledge of Allegiance followed by a moment of silence.

3. ORDER OF BUSINESS - ADDITIONS, DEFERRALS, OR WITHDRAWALS TO AGENDA

Mr. Spence added item 13 A (3) as Report of Recreation Advisory Board. Commissioner Anderson added as 11G Discussion of Email List. He moved item 11 C to the beginning of the meeting.

Commissioner Anderson also removed Ordinances 2008-3 and 2008-8 from the Agenda and asked that the two items be placed on the November agenda for first reading.

Mayor Hornbuckle moved item 13 A (1), Report of the Anniversary Committee, to the Presentation part of the agenda. He also said there would be a Police report under Presentations.

4. PRESENTATIONS

Police Captain Tony Sanchez made a presentation outlining two recent burglaries in the Village and describing the apprehension of the burglars.

Mayor Hornbuckle gave a report on the 75th Anniversary Parade which was held Saturday, October 4th. He said that there was a lot of participation even though there was rain, and he thanked everyone who helped plan and take part in the event, and reminded all residents that the dinner-dance will be held on Saturday, October 18th at the Miami Shores Country Club.

5. PUBLIC COMMENTS RELATED TO AGENDA ITEMS

Barbara Kuhl commented on the website.

Fred Jonas congratulated the Police Department on their recent apprehensions and said that crime increases when economic times are bad.

David Twitchell thanked everyone who worked on the 75th Anniversary parade.

6. CONSENT AGENDA (Motion to be made for all as one or remove for discussion)

A. Approval of Minutes – None

B. Agreements

- (1) Joint Project Agreement Between the Florida Department of Transportation and the Village of Biscayne Park Turf and Landscape Maintenance (New Contract AP797 and New Financial # 25237217801) (Same terms and compensation)**

Resolution 2008-10

Resolution Approving a Contract Renewal With the Department of Transportation for Turf and Landscape; Providing for an Effective Date

- (2) Voluntary Cooperation and Operational Assistance Mutual Aid Agreement Between the Village of Biscayne Park, Florida, and the City of Miami Beach, Florida**

Manager's Recommendation: Approval of Consent Agenda

Vice-Mayor Morris asked that Resolution 2008-10 be removed from the Consent Agenda for discussion.

Motion was made by Commissioner Anderson, seconded by Vice-Mayor Morris, to approve the Consent Agenda item (2). The motion passed by voice vote, 5/0.

Vice-Mayor Morris said he spoke with the Manager and encouraged him to seek an increase in the funding from FDOT. Mr. Spence said an increase from FDOT has been requested for the past two years, but their budget has also been cut. We will continue to ask for the increase.

Motion was made by Commissioner Anderson, seconded by Vice-Mayor Morris, to approve the Consent Agenda item (1), Agreement and Resolution. The motion carried by voice vote, 5/0.

Commissioner Mallette suggested that a meeting be arranged with the District regarding the beautification project.

11. NEW BUSINESS

C. Consideration of scheduling the regular Commission Meeting in November 2008

Mr. Spence said the first Tuesday in November is General Election Day, and the second Tuesday is Veterans' Day. He suggested the Commission meeting be rescheduled on November 5 or 12. The Commission agreed to reschedule the November meeting to Wednesday, November 5th, 2008.

7. PUBLIC HEARINGS

A. SECOND READING OF ORDINANCES

ORDINANCE NO. 2008-1R

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, GRANTING FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENTS TO THE VILLAGE OF BISCAYNE PARK, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE (Continued from Commission Meeting March 4, 2008)

Manager's and Attorney's Recommendation: Continue to November regular meeting

Attorney Hearn read the title of the Ordinance. He said he has continued to have contact with Florida Power & Light representatives and has received several updates from other cities and thinks it would be helpful to wait to see how negotiations continue.

Motion was made by Commissioner Mallette, seconded by Commissioner Anderson, to continue the Public Hearing until November 5, 2008. The motion carried by roll-call vote, as follows:

AYES: Commissioners Anderson, Bernard and Mallette; Vice-Mayor Morris and Mayor Hornbuckle.

NAYS: None.

8. ORDINANCES – FIRST READING

A. ORDINANCE NO. 2008-7

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, CREATING A NEW CHAPTER OF THE VILLAGE'S CODE OF ORDINANCES ENTITLED "RECREATION ADVISORY BOARD;" PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR RENUMBERING; PROVIDING FOR AN EFFECTIVE DATE

Manager's Recommendation: Approval

Attorney Hearn read the title of the Ordinance and said this ratifies the Commission's creation of the Recreation Advisory Board.

Motion was made by Vice-Mayor Morris, seconded by Commissioner Anderson, to approve the Ordinance on first reading and set second reading for November 5, 2008. The motion carried by roll-call vote, as follows:

AYES: Commissioners Anderson, Bernard and Mallette; Vice-Mayor Morris and Mayor Hornbuckle.

NAYS: None.

8. ORDINANCES – FIRST READING (Continued)

B. ORDINANCE NO. 2008-8

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE III, ENTITLED COMMISSIONS, BOARDS AND COMMITTEES BY CREATING NEW SECTION 2-30 OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK, ENTITLED "GENERAL RULES AND POLICIES;" PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

Manager's Recommendation: Approval

Removed from Agenda; to be placed on November Agenda.

C. ORDINANCE NO. 2008-3

**AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE II OF THE VILLAGE OF BISCAYNE PARK CODE OF ORDINANCES, ENTITLED "VILLAGE COMMISSION," PROVIDING FOR DUTIES AND RESPONSIBILITIES OF THE MAYOR AND RULES OF PROCEDURE, DISCUSSION, AND DECORUM AT PUBLIC MEETINGS; PROVIDING THAT IT SHALL BE UNLAWFUL TO VIOLATE THE RULES OF DECORUM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE
(Sponsored by Commissioner Anderson)**

Removed from Agenda; to be placed on November Agenda

9. RESOLUTIONS

RESOLUTION 2008-11

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, APPROVING APPOINTMENTS TO THE RECREATION ADVISORY BOARD; PROVIDING FOR AN EFFECTIVE DATE

Manager's Recommendation: Approval

Attorney Hearn read the title of the Resolution.

Motion was made by Commissioner Mallette, seconded by Commissioner Anderson, to approve the Resolution. The motion carried by voice vote, 5/0.

10. OLD BUSINESS

- A. Consideration of Replacement of Alternate vacancy on the Planning and Zoning Board caused by moving Elizabeth Piotrowski to the permanent position (Continued from September 9, 2008, meeting) – no action**

11. NEW BUSINESS

- A. Confirmation of Commissioner Bernard's appointment of Stephen Taylor to the Recreation Advisory Board**

Mr. Spence said that when a Commissioner appoints a resident to a board or committee, that appointment is considered "conditional" until it is confirmed at a Commission Meeting. The Commission confirmed Commissioner Bernard's appointment of Stephen Taylor to the new Recreation Advisory Board.

- B. Confirmation of Commissioner Bernard's appointment of Bryan Cooper to the Parks & Parkways Board to replace Stephen Taylor**

The Commission confirmed Commissioner Bernard's appointment of Bryan Cooper to the Parks & Parkways Board.

- C. Consideration of scheduling the regular Commission Meeting in November 2008 (moved to first part of Agenda)**

- D. Consideration of requesting the Village Attorney to prepare an Ordinance dealing with maintenance of foreclosure properties by the Village after one citation has been issued by Code Enforcement**

Mr. Spence said we were notified there are thirteen properties in the Village which are in mortgage foreclosure. He read his memorandum from the agenda backup regarding these properties, and it is attached to these minutes.

Motion was made by Commissioner Anderson, seconded by Vice-Mayor Morris, to authorize Attorney Hearn to draft an ordinance regarding properties with mortgage foreclosure and place it on the agenda. The motion carried by voice vote, 5/0.

- E. Discussion of formulation of guidelines for Village Manager Job Performance Review (Commissioner Anderson)**

Motion was made by Commissioner Anderson, seconded by Commissioner Mallette, to direct the Manager to obtain examples of rating forms used by other cities when reviewing the Manager's performance. The motion carried by voice vote, 5/0.

Commissioner Anderson commented that it may be necessary to hold a workshop to review these rating forms.

**F. Presentation of Village Personnel Rules & Regulations (Village Manager)
(under separate cover)**

Mr. Spence said he is submitting this document for the record, and the Commissioners will have a month to review it before it is placed on the next agenda.

G. Discussion of Email list (added to agenda)

Fred Jonas spoke about the Village preparing an email database to distribute information to residents. He distributed a sample letter which could be used to invite residents to register for the email list. Mr. Spence said the list could be created and include the Crime Watch distribution list as well as other lists. No action was taken on this suggestion.

**12. GOOD AND WELFARE (PUBLIC)
No Speakers**

13. REPORTS

A. Committee Reports

1. Anniversary Committee – Mayor Hornbuckle (report given earlier in the meeting)

2. Parks & Parkways Advisory Board – Dan Keys

Barbara Kuhl presented a report from the Board. Mr. Spence said the tree planting will begin in unobstructed areas soon, and he is getting informal pricing estimates for removal of larger trees.

a. Kimley-Horn Traffic Study and Park Master Plan to be presented on October 15, 2008

3. Report of Recreation Advisory Board (added to agenda)

Mr. Spence referred to the Advisory Board minutes and said the Board is asking the Commission for a motion about having non-residents pay to attend the Halloween party at Recreation. The Recreation Director is holding up advertising for the event until this decision is made.

Motion was made by Commissioner Mallette, seconded by Commissioner Anderson, to accept the recommendation of the Advisory Board to charge non-residents \$2 to participate in the Halloween party at Recreation. The motion carried by voice vote, 5/0.

Commissioner Anderson commented that Board members should attend all Recreation events, and it is important to get the information out to residents and non residents about the fee and bringing identification when purchasing admission. Commissioner Morris recommended distributing armbands to residents.

Roxanne Ross, Chairman of the Board, suggested having ticket sales in advance and also making the armbands available before the event.

Mayor Hornbuckle called for a voice vote on the motion to charge residents for the Halloween party, and the motion passed unanimously.

B. Village Attorney Comments – Attorney Hearn said the PBA Contract is in the hands of the Union, and if approved it will come back to the Commission.

C. Village Manager Comments

1. Report from Police Chief Glansberg (given earlier in the meeting)

2. Updates on various projects

a. Entry sign easement

Mr. Spence said he has not heard from the Episcopal Diocese regarding the easement. He would like to meet with them to call attention to the fact that the Village cuts the grass and waters the bushes on the right-of-way. Vice-Mayor Morris said it has been a year since we started talking about this, and we should make a decision, such as moving the sign to another location. Commissioner Bernard said there should be an agreement somewhere which covers the sign placement. Commissioner Anderson said it was probably a "handshake" agreement between the church and the Village. Mr. Spence said he was hopeful that we would hear from the Diocese within the next month.

b. Pavillion

Mr. Spence said the Architect is negotiating with the builder hoping to get the cost down to \$50,000.

c. Public Works Building

Mr. Spence said the plans are being reviewed by the Village's inspectors. He is also pursuing alternate structures, and he will proceed with getting bids for the construction plans.

d. Job descriptions and personnel policies

Mr. Spence said job descriptions have been submitted for ten positions, and there are four more to complete. These are normally approved and can be altered by the Village Manager.

D. Commission Comments

- 1. Commissioner Anderson** – no comments
- 2. Commissioner Bernard** – commented on the October 4th parade event.
- 3. Commissioner Mallette** – no comments
- 4. Vice-Mayor Morris** – no comments
- 5. Mayor Hornbuckle** – no comments

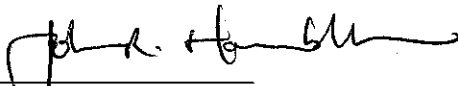
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*Monday	November 3	Planning & Zoning Board at 6:30
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There being no further business to come before the Commission, the meeting was adjourned at 8:45 p.m.

Commission approved November ⁵ 7, 2008

Attest:



John Hornbuckle, Mayor


Ann Harper, Village Clerk

VILLAGE OF BISCAYNE PARK

MEMORANDUM

**TO: MAYOR HORNBUCKLE and
COMMISSIONERS**

FROM: FRANK R. SPENCE 
Village Manager

DATE: October 2, 2008

SUBJECT: CODE REVISIONS NEEDED FOR FORCLOSURES

With the number of foreclosures increasing every where, the problem of lack of maintenance has increased. Normally, code violations would be sent to the owner of the house. Now, with so many banks and brokerage houses failing, you don't really know who to send the violation to.

Attached are some rough notes on what the administration would like to see in a new ordinance that addresses the problem of foreclosures. Attorney John Hearn is also preparing similar legislation for some of his other clients. I would recommend that the commission request the Village Attorney to come back with a proposed ordinance that addresses the lack of maintenance of property because of its status in foreclosure.

11 D

ARTICLE I. WEEDS, WILD GROWTH, RUBBISH, DEBRIS

Sec. 101. Prohibitions.

It shall be unlawful for any owner of any lot, parcel or tract of land within the city to permit weeds, grass or undergrowth to grow thereon to a height of 12 inches or more from the ground; or to permit rubbish, trash, debris, dead trees or other unsightly or unsanitary matter to remain thereon; or to permit the existence of depressions or excavations or any other condition on such premises wherein water may accumulate and stand in such manner or fashion as to make possible the propagation of mosquitoes therein.

Sec. 102. Failure to comply; form of notice to property owner.

(a) Upon the failure of the owner of any lot, parcel or tract of land within the city to keep such premises free of weeds, grass or undergrowth of a height of 12 inches or more from the ground, or of rubbish, trash, debris, dead trees or other unsightly or unsanitary matter, or to keep such premises free of excavations or depressions, as provided in this article, it shall be the duty of the village manager to give notice, as provided herein, requesting the owner or owners of such property to remedy the condition within 15 days after service of such notice.

(b) Such notice shall be given by registered or certified mail, addressed to the owner of the property described, to the home of record, as recorded in the current county tax rolls, and shall be deemed complete and sufficient notice when so addressed and deposited in the United States mail with proper postage prepaid. The notice shall be in substantially the following form:

"Date _____

"Name of owner: _____

Address of owner: _____

"Our property records indicate you to be the owner(s) of the following described property in the Village of Biscayne Park:

"An inspection of this property discloses, and the city manager ^{for Designee} has found and determined, it to be in such condition as to be in violation of the Code of the Village of Biscayne Park, because (state why property is in violation, i.e., height of weeds, grass or undergrowth, debris, dead trees, etc.).

^{10 DAYS} "The Code of the Village of Biscayne Park, provides that it shall be unlawful for you to permit this condition to continue, and you are hereby notified that unless this condition is remedied within 15 days from the date hereof, the Village of Biscayne Park will proceed to remedy such condition, and the cost of such work will be imposed as a lien upon this property. The estimated cost to remedy this condition would be _____, plus administrative charges, for a total cost of _____.

"This notice will be the only notice given to you in a period of one year from this date. Any other violations occurring under this section shall be remedied by the Village without further notice.

Very truly yours,

Village Manager"/ ^{for Designee}

Sec. 103. Cost of clearing as lien on property--Collection, foreclosure and sale.

Upon failure of the owner of property to remedy the conditions existing in violation of the requirements of this article within 15 days after service of notice to do so, then the city manager shall proceed to have such condition remedied by contract or direct labor, or both, and the cost thereof shall be and become a lien against such property 30 days after notice of completion of work by the city, to the same extent and character as the lien for special assessments, and with the same penalties and with the same rights of collections, foreclosure, sale and forfeiture as obtained for special assessment liens. The cost chargeable to the owner shall not exceed the amount of cost as set forth in the notice served to the property owner or owners required herein.

Sec. 104. Statement of costs, filing; publication of work, cost and lien.

As soon as practicable after completion of the work, if such work is done by the Village, the village manager shall execute, or cause to be executed, and file with the city clerk, a statement of costs and completion of work, which shall certify the completion thereof. The city clerk shall thereafter cause to be published in a newspaper of general circulation in the county or city, a notice giving the description of the property, the amount of the cost of the work, the date of completion of the work and the fact that the cost thereof is a lien against the property.

Sec. 105. Interested persons may appeal disputed assessed costs to Code Enforcement Board.

(a) Any person owning all or any interest in property which has been found to be in violation of this article, and upon which remedial work by the city has been done, shall have the right, at any time within 30 days after publication of the notice of completion of work under this article, to present to the city clerk a sworn petition stating his interest in the property and alleging that in the opinion of the petitioner the cost of the work exceeds the actual cost thereof or is otherwise erroneous.

(b) Such petition shall be presented to the Code Enforcement Board for consideration at the next regular meeting, provided at least ten days has intervened between the time of the filing of such petition and the date of such meeting, at which time and place the Code Enforcement Board shall consider the same and make due inquiry into the questions involved.